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# The Linkage Between Secondary Victimization by Law Enforcement and Rape Case Outcomes

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Debra Patterson<sup>1</sup>

## Abstract

Prior research has suggested that almost half of rape victims are treated by law enforcement in ways that they experience as upsetting (termed *secondary victimization*). However, it remains unknown why some victims have negative experiences with law enforcement and others do not. The purpose of this study is to explore victims' experiences with secondary victimization by detectives, comparing how these experiences vary in cases that were ultimately prosecuted by the criminal justice system to those that were not prosecuted. A total of 20 rape victims are interviewed within one county. The study uses grounded theory qualitative analysis, which showed that participants whose cases were eventually prosecuted described the detectives' treatment toward them considerably different than participants with nonprosecuted cases. The study findings further show that victims with cases that were not prosecuted primarily described their detectives as engaging in secondary victimization behaviors and that victims with cases that were ultimately prosecuted primarily described their detectives as responding compassionately toward them.

## Keywords

rape, sexual assault, secondary victimization, law enforcement, criminal justice

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<sup>1</sup>Wayne State University

## Corresponding Author:

Dr. Debra Patterson, School of Social Work, Wayne State University, 4756 Cass, Detroit, MI 48202

Email: [dt4578@wayne.edu](mailto:dt4578@wayne.edu)

## Literature Review

Rape is a pervasive but underreported crime in the United States, causing debilitating psychological and physical health consequences for victims and survivors<sup>1</sup> (Koss, Bailey, Yuan, Herrera, & Lichter, 2003). Although these health problems are largely attributable to the rape itself, some of this distress is also due to how the criminal justice system (CJS) responds to rape victims (Campbell, Wasco, Ahrens, Sefl, & Barnes, 2001). Victims' first contact with the CJS will usually be with a responding officer, who takes an initial report. Then, the case is passed on to a detective to investigate the crime and interview the victim and suspect. Studies suggest that almost half of rape victims who make a police report are treated by law enforcement in ways they experience as upsetting (Filipas & Ullman, 2001; Monroe et al., 2005). It is important to understand this differential treatment because it can have a substantial influence on victims' emotional well-being.

These negative interactions with system personnel have been termed "secondary victimization" because victims often report that the hurtful experience feels like a "second rape" (Campbell, 1998; Madigan & Gamble, 1991; Martin & Powell, 1995). Most studies on this topic have collected data directly from victims and found that many victims experience secondary victimization by law enforcement. For example, many victims reported being told their stories were unbelievable or that their cases were not serious enough to investigate (Campbell et al., 1999). In addition, some victims were asked by detectives about their sexual history and how they were dressed prior to the rape (Campbell & Raja, 2005). Many victims stated that the police were cold and unsupportive, and some were threatened that they would be charged with a crime if they did not provide an accurate story (Logan, Evans, Stevenson, & Jordan, 2005).

Though most studies were conducted from victims' perspectives only, the perspectives of both law enforcement and victims were incorporated in one study to explore how law enforcement treats victims. Campbell (2005) conducted interviews with rape victims about how they were treated by system personnel, and with police officers about how they treated victims. The study found high interrater reliability between the accounts of victims and the officers regarding how victims were treated. For example, 40% of the victims reported that the officers questioned them about their sexual history, and 38% of the officers reported that they questioned victims about their sexual history.

As a result of these secondary victimization experiences, many victims reported feeling dehumanized and blamed themselves. (Campbell & Raja, 2005; Logan et al., 2005). Many victims noted that they would not have reported if they had known what the experience would be like. Furthermore, victims who

experienced secondary victimization also exhibited higher psychological and physical health distress (Campbell et al., 1999; Campbell et al., 2001).

Though research has consistently shown that secondary victimization occurs, it remains unknown why some victims have negative experiences with law enforcement and others do not. There is literature suggesting ethnic minority victims, and those raped by nonstrangers, were more likely to encounter secondary victimization by CJ personnel (Campbell et al., 2001; Campbell & Raja, 2005). Furthermore, research has found that these characteristics often are used as indices of credibility by CJ personnel in making decisions about whether to prosecute a case. That is, victims who were raped by nonstrangers were less likely to be viewed as credible and, thus, less likely to have their cases prosecuted (Kerstetter, 1990). However, more recent research has refined these analyses by examining intimate partners and acquaintances instead of single nonstranger categories and found that cases involving intimate partners are more likely to be prosecuted, whereas acquaintance rapes are less likely to be prosecuted (Patterson, 2005). Overall, victims who are younger, an ethnic minority, raped by an acquaintance, or who wait to report the rape even for a few hours are less likely to have their cases prosecuted because the CJS perceives them as less credible (Frohmann, 1997; Spohn, Beichner, & Davis-Frenzel, 2001).

Law enforcement detectives' primary role is to build a strong case by collecting evidence and obtaining accurate accounts of the rape (Martin, 2005). Thus, the concern about legitimacy of victims' stories may take the form of secondary victimization if they view victims as less credible. On the other hand, victims may be treated with sensitivity if viewed as credible enough for successful prosecution because their cooperation is needed during the investigation and court testimony (Kerstetter, 1990). Therefore, it may be possible that victims with cases viewed as credible and subsequently prosecuted may be treated differently by detectives than victims with cases viewed as lacking credibility and subsequently dropped. However, secondary victimization within the context of case outcomes has not been examined. Therefore, the primary purpose of the current study is to examine victims' experiences with secondary victimization by detectives, comparing how these experiences vary in cases that were ultimately prosecuted by the CJS compared to those that were not prosecuted.

## **Method**

### *Participants*

Adult female rape victims who reported their rape to the CJS and received a medical forensic exam from 1999 to 2007 were the target sample for this study. Rape victims who sought exams were recruited because their

postassault actions are relatively similar. That is, victims in this sample were already engaged in the investigational process (i.e., exam). To recruit participants, the sexual assault nurse examiner (SANE) program (who provides all exams for victims in the county) distributed a form to patients regarding the study. Victims were contacted 10 weeks after completing the form, which is typically enough time to have experiences with the CJS and have a decision made about their case. If the victims agreed to participate, an interview was scheduled after a decision was made about the case.

It was anticipated that there would not be enough cases because victims may not be ready to talk about their assault. As such, an additional sampling strategy was used to recruit previous cases that were examined by the SANE program. Using retrospective recruitment, a flyer advertising the study was distributed throughout the focal county by posting advertisements at local businesses, human and health service agencies, and distribution through community-wide mailings (see Campbell, Sefl, Wasco, & Ahrens, 2004). Eligible victims who contacted the research team were scheduled for an interview. Half of the participants were recruited through prospective sampling methods and the other half from retrospective sampling methods. There were no differences in the findings of victims recruited prospectively compared to those recruited retrospectively.

The sample includes 20 female victims who met the study criteria. Participant recruitment continued until the sample size allowed for saturation, whereby the same themes were repeated, with no new themes emerging (Starks & Trinidad, 2007). This is a reasonable sample size for a qualitative study examining a phenomenon in depth (Creswell, 2007). The average age of participants was 28 years, with a range of 18 to 53 years. The ethnicity of the participants was similar to the focal county, with 85% White, 10% African American, and 5% Albanian. Most victims were raped by someone they knew, with 40% being raped by their partners (e.g., dating partner, spouse) and 40% being raped by acquaintances (e.g., friends). Half of the participants reported within 2 hr following the rape. Nine victims had their cases prosecuted for rape charges and 11 victims' cases were not. Two intimate partner rapes resulted in domestic violence misdemeanor charges but not rape felony charges. One victim dropped the case fearing the system could not protect her and two victims were raped by strangers who were not caught.

## *Procedures*

Interviews were conducted in person by one of three trained interviewers. The interviewers met regularly to review transcripts, discuss emerging themes, and identify topics that needed more exploration in subsequent interviews (Creswell, 2007). The length of the interviews ranged from 1.5 to 4 hr,

with an average of 2 hr. The interviews were taperecorded and transcribed. Participants were paid \$30. The procedures used in this study were approved by the (Michigan State University) institutional review board.

## **Measures**

The semistructured interview protocol was developed in four stages. First, the interview was adapted in part from a prior study codeveloped with advocates and rape victims (Campbell et al., 2001). This work helped identify question phrasing that was understandable and supportive to rape victims. Second, the literature on law enforcement interactions with victims informed the protocol. Third, legal and medical personnel were consulted, and the interview protocol was revised accordingly. Fourth, the protocol was pilot tested with five rape victims (not in the sample) to assess the content and probes. The interview consisted of four areas: (1) the rape itself, (2) victims' experiences with SANE program staff, (3) victims' decisions to participate in prosecution, and (4) victims' experiences with law enforcement and prosecutors.

## **Data Analyses**

The data were reduced to a manageable form by identifying transcript segments that pertained to the victim and detective interactions (Miles & Huberman, 1994) and placed in a separate file using NVivo7 software (QSR, 2006). The next step in the analyses involved three grounded theory–coding phases. First, the PI defined an action describing what people were doing or what was happening for every line of the interview, which allowed the analyst to detect processes that may be occurring during the interactions. In addition, the PI documented thoughts about relationships developing among the data.

Second, the analyst identified codes that made the most analytic sense of the data (termed “focused” coding). After identifying the focused codes, the PI returned to the data and applied the focused codes. Furthermore, the PI engaged in additional documentation to identify relationships between codes within and across the prosecuted and nonprosecuted groups (Charmaz, 2006).

The third level of coding is axial coding, which involves relating categories to subcategories to examine contingencies (Charmaz, 2006). The preliminary analyses showed that the victim–offender relationship (e.g. intimate partners, acquaintances, and strangers) may differentially affect secondary victimization within the prosecuted and nonprosecuted groups. Thus, the PI examined whether these patterns were systematically related to victim–offender relationships, case outcomes, or both.

In qualitative research, rigor is evaluated by whether the investigator has undertaken procedures to verify the trustworthiness and credibility of the conclusions drawn (Strauss & Corbin, 1990). As such, the transcriptions were corrected for errors. Furthermore, the PI systematically searched for divergent patterns to provide insight into the instances that did not fit within the overall pattern of the data (Patton, 2002). Member checks were also conducted with three victims who were not part of the original sample. These victims were asked to describe their experiences with the detectives, and then their feedback was requested about the findings. The average age of informants was 31 years, with a range of 18 to 45 years. Two informants were White and one was African American. The victim informants relayed experiences that paralleled the results and did not suggest changes to the interpretation of the data.

Another way to enhance credibility is to have the intended users of the findings provide feedback (Patton, 2002). Victim advocates acquire a great deal of information about how the CJS responds to victims making them suitable to provide feedback (Campbell, 1998). The informants included five advocates who had experience working with rape victims in the context of advocacy. All of the advocates were White with an average age of 36 years (range of 28 to 51 years). The average years of experience providing advocacy was 7 years, with a range of 3 to 10 years. The advocates were asked to describe a recent client's experiences with a detective and then were asked to provide feedback on the findings.

## Results

Similar to prior research, victims whose cases were prosecuted had many characteristics that are typically viewed as credible by law enforcement. Prosecuted cases had a higher percentage of participants who reported within 2 hr of the rape compared to nonprosecuted cases (67% vs. 36%).

Furthermore, victims whose cases were ultimately prosecuted were on average slightly older (32 years vs. 25 years). Regarding the victim-offender relationship, slightly more number of cases involving intimate partner rape were prosecuted (44.5% vs. 36.5%), whereas slightly fewer cases involving acquaintances were prosecuted (33.5% vs. 45.5%). None of the cases involving minority victims were prosecuted. Finally, two of the four cases involving strangers were not prosecuted because the offenders were never apprehended.

Similar to prior studies, the findings suggest that the CJS may be basing their decisions in part on victims' perceived credibility. Detectives may have preconceived notions of the victims' credibility as they typically receive information about the victim and offender prior to the interview. It appears

that factors of credibility were influential with detectives engaging in secondary victimization, which will be presented next.

### *Treatment of Victims With Prosecuted Cases*

Participants whose cases were eventually prosecuted described the detectives' treatment toward them as considerably different from participants with nonprosecuted cases. In prosecuted cases, the participants reported that their detectives treated them kindly, with respect and sensitivity, which made them feel supported. For instance, a 20-year-old White woman was raped by a White man that she began dating. After declining sexual advances on a date, her offender became aggressive and raped her. After leaving his home, she disclosed the rape to her mom and went to the emergency department immediately. The offender was charged and a trial is pending. In this example, the participant explains why she believed the detective cared about her:

4130: I mean, that day when I met with him it seemed like he [detective] genuinely cared. He told me, he [offender] lawyered up. He was telling me things that he didn't have to tell me that (offender) was claiming that sex didn't even happen. He didn't have to tell me that. It's not anywhere written where he has to tell me what is in those records, but he was.

Similarly, many participants felt believed and cared about when their detectives shared information. In another example, a 23-year-old White woman was raped by a Vietnamese man, a massage therapist, and called 911 upon exiting the salon. The offender was charged and a trial is pending. In this exchange, the participant describes why it is important for detectives to care about victims:

4129: They [detectives] really care about their job and they care about the people that they do their job for. . . . It makes you feel like they really care about you and what happened to you and that you get everything that you need out of it, because if you're not comfortable and you're scared all the time, then it screws up your judgment, it screws up the way you think and feel.

As illustrated, detectives displaying a caring demeanor can help victims feel more comfortable with the detectives. Women with prosecuted cases also noted that the detectives did not blame them for causing the rape,



suggesting this is a common concern for victims, as supported by prior research (Patterson, Greeson, & Campbell, 2009). Furthermore, the absence of victim blaming, along with the great amount of effort invested in the case by the detectives, made the participants feel believed and supported.

In addition, the participants explained that the detectives displayed concern for their safety and well-being, resulting in the victims feeling understood; they were affected by a terrifying crime. Participants reported that the detectives listened to their stories and concerns intently. Participants with prosecuted cases often mentioned that the detectives offered to help the women in any way they needed and often went above and beyond their role as investigators. In the next example, a 53-year-old White woman was raped by her African American neighbor and called 911 within an hour. The offender was found guilty by a jury. In this example, the participant discusses what was helpful about the detective:

4108: He [the detective] made it very clear to me that if I ever needed someone to talk to, he would be there. He gave me his, along with his card, he wrote his personal number on the back so I could leave a message for him. I was very thankful for that. He said if I remembered anything or if I had any questions or if there was just anything whatsoever that he could help me with, he made me feel that he took me seriously.

Similar to the other victims, the detective's offer of assistance made her feel supported and taken seriously.

Overall, the majority of victims whose cases were ultimately prosecuted felt cared about and supported when law enforcement showed concern for their well-being. Some victims predicted that their emotional distress would have been worse if they had experienced negative reactions from the detectives. In this next instance, a 45-year-old White woman was raped by a White man, her neighbor, who was found guilty by a jury trial. The participant had attended a support group for rape victims, in which many of the victims discussed experiencing secondary victimization by their detectives. In this exchange, the participant posits how these negative interactions affected her group members:

4111: Those women that were at those meetings with me, I mean I will always feel very, very bad that this happened to me. But these other women that the police officers were not helpful and nice to, they are hurting even more than I am, a double whammy.

Similarly, many participants expressed feeling relief that they did not receive negative treatment by law enforcement and felt their experience was liberating because they helped hold the offenders accountable.

Though the majority of victims with prosecuted cases described the detectives as concerned for their well-being, 4 participants with prosecuted cases who were raped by intimate partners described their detectives as less attentive to their well-being. In this example, a 45-year-old White woman was raped by her African American husband after he assaulted her physically and broke her nose. She called the police after the offender went to sleep. A jury found the offender guilty of aggravated assault but acquitted him of the rape charge. In this example, the participant discusses how the detective wanted her to make a statement and receive a forensic exam before receiving medical care for her broken nose:

4128: And they [forensic nurse] did mention you need to go to the hospital and all this, but the Detectives were just so, about, we need to go get this done, so you know what I'm sayin' . . . it was just like he really wanted to just nail him [the offender] on this CSC [criminal sexual conduct] charge. That was his [detective] main focus, his main concern. I don't see why my nose couldn't have been attended to first and then have this [exam] done.

As illustrated in this example, the detective was not attentive to the victim's well-being; the detective's main priority was investigating the case to secure a conviction. Despite this lack of attentiveness to her well-being, the participant felt relieved because of the strong effort exerted by the detective. Overall, these 4 participants did not report their detectives engaging in secondary victimization but felt like they cared more about obtaining a conviction than about the victims' well-being.

### *Treatment of Victims With Nonprosecuted Cases*

The majority of participants with nonprosecuted cases described their detectives as lacking compassion and exhibiting insensitive behavior toward them. In this next example, a 22-year-old African American woman was raped by an African American man, her ex-long-term partner, who is also the father of her children. The woman contacted the police later in the day when she could access a phone. The participant has made several attempts to contact the detective to further express her interest in pursuing this case but has not heard from the detective for 10 months. In this

exchange, the participant explains how she would have preferred the detective to treat her:

4124: I would have liked her [detective] to do more than what she did. Act like she cared. Act like if she was the female put in my position what would she have done? She acted like she didn't care, like it didn't happen.

Not surprisingly, this participant felt unimportant to and ignored by the detective. This victim also felt like her assault was invalidated when the detective did not display concern for her well-being.

Many victims noted that the detectives blamed them for some aspect of the rape. In this next illustration, a 21-year-old White woman was raped by her White ex-boyfriend who is also the father of her child. The victim had ended the relationship a few days prior to the rape, but the victim and ex-boyfriend continued to live in the same household for financial reasons. After the rape, the victim locked herself in a room and called a crisis hotline and was encouraged to call the police. The offender was charged with a domestic violence misdemeanor instead of felony rape, and the case was resolved through a plea bargain. In this illustration, the victim describes the two detectives assigned to the case as accusatory:

4127: The victim blaming is what really set me off because they're [the detectives] like well, didn't you have some part in it? Or he's [offender] saying that you said this, that and the other thing . . . how are you gonna believe somebody that has a history. He [offender] has a history of domestic violence against me, for hitting me. Well, why didn't you fight him back? If he's hit me before, why wouldn't he do it again?

Not surprisingly, this participant, as well as other victims with non-prosecuted cases, expressed feeling hurt and confused when detectives blamed them for their victimizations.

Participants with nonprosecuted cases felt their detectives viewed them as a case on their docket rather than a recently victimized human needing support. Participants expressed needing emotional support during the interviews but felt their detectives were unsupportive, as they never inquired about the victims' well-being. Some of the women believed that their detectives did not understand that the interview process was humiliating and exhausting. In addition, some victims noted their detectives were particularly "mean" toward them. In the next instance, a 19-year-old White woman

was raped by a friend (White man) while visiting him. Afterwards, the participant called a friend who encouraged her to report the rape. Similar to other participants, this woman felt doubted by the detective from the beginning of the interview. The victim's case was not charged. In this next example, the participant describes how she was treated by the detective:

4107: He was just so mean to me, kept questioning everything that I said, he made me so uncomfortable. . . . He used this huge word. I can't remember what it was, and I asked him what that meant, and what do you mean by that, and he said, "What, you don't know? Why don't you look it up?" I said, "Okay, thanks." I felt stupid. . . . You would think that they would care about people, but they didn't. I just wanted them to be there for me, to help me, to tell me what was going on, to understand, to help me out, rather than push me away.

Similar to other victims, this example illustrates the woman wanting the detective to be caring and understanding. Instead, this participant felt like a criminal, not the victim, because the detective asked whether she was lying and warned her that she could be charged with false reporting. In the following example, the victim describes how she felt after her interaction with the detective:

4107: Like crap, like I'm stupid. I shouldn't be telling anybody this. He made me feel like I was lying about it, and I wasn't, but he believed the guy. . . . You would think that they would care about people, but they didn't. I would never report anything ever again, and I would never recommend anybody to [report] . . . just so you can get your own feelings hurt even more and make you feel even stupider and make you feel worse. My feelings were hurt for so long, and just having that happen, just made it so much worse. It's hard enough telling someone your story let alone having them react the way they did.  
I: Do you think that you emotionally experienced a harder time because of their reactions?

4107: Mm . . . hum [yes].

Overall, victims who experienced secondary victimization expressed feeling worse after their interactions with the detectives. Subsequently, many of the participants became disillusioned with the CJS. In the next example, a 41-year-old White woman was raped by her estranged White husband. The victim sought help several hours after the rape. The victim stated the detective did not believe her and wanted her to sign a legal form stating that

she no longer wished the case to be prosecuted, even though the victim had consistently expressed interest in prosecution. The offender was never charged for the rape. In this example, the participant expressed feelings of hopelessness that the CJS would ever protect her:

4125: They [the CJS] are not going to do anything. I know they are not going to do anything. It doesn't matter if they have evidence or not; they are still not going to do anything. They don't give a shit. There I go cussing again. . . . I mean, she [forensic nurse] could have had pictures of his fists connecting with my face, and the detective would have spun it so that it was me asking for it.

Similar to other participants, this woman believed that regardless of evidence, law enforcement would not protect her but instead hold her responsible for the rape. In addition, these victims predicted that they would never seek help from law enforcement again as illustrated by the woman who was raped by a friend:

4107: Who's gonna report something to people like that? Why would somebody report it? I would never go through it again, never in my life. If anything ever happened to me, why would I say anything to anybody when they're just gonna treat you like shit anyways. It's stupid. You would think that they would care about people, but they didn't. I would never report anything ever again, and I would never recommend anybody to.

Though most participants in the nonprosecuted cases experienced a lack of compassion and doubt from the detectives, 2 participants who were raped by strangers who were *never apprehended* had a different experience. These participants describe their detectives as compassionate, which was a similar response to participants with prosecuted cases. However, as time passed and the offenders were not apprehended, the detectives either ceased contact or became less compassionate toward the victims.

### **Advocate Member Check Results**

The advocate informants were asked to describe a recent client's experiences with a detective. Similar to the current sample, the advocates described detectives displaying compassion toward victims with cases prosecuted and engaging in secondary victimization with victims whose cases were not prosecuted. However, one advocate did describe a case that was not prosecuted

where the detective was compassionate. Subsequently, the detective told the advocate that he wanted the case to be prosecuted but could not convince the prosecutor to do so. This case is different from the findings of this study in that a victim, whose case was *not* prosecuted, did not experience secondary victimization by the detective.

Next, the advocates were informed of the findings and asked to provide feedback. The advocates could not recall any cases resulting in prosecution when the detectives engaged in secondary victimization. However, the advocates note some cases in which the detectives did not engage in secondary victimization with nonprosecuted cases. One advocate elaborated that though the detectives did not engage in secondary victimization, they were also not very compassionate or engaging with the victims (e.g., minimal eye contact). The advocates predicted that their presence may have influenced the detectives to treat the victims in a neutral manner. It is important to note that none of the victims in the current study had advocates during the investigational interviews to make comparisons. However, prior research has shown that advocacy does help prevent secondary victimization (Campbell, 2006).

## **Discussion**

Research has shown that approximately half of all rape victims report experiencing secondary victimization by law enforcement (Monroe et al., 2005). Yet relatively little is known about why some victims have negative experiences and others do not. In the current study, participants whose cases were ultimately prosecuted had many factors often viewed as credible by the CJS. Furthermore, these victims reported their detectives exerting a significant amount of effort into their cases, treating them with compassion, and not blaming them for any aspects of their victimizations. As a result of these interactions, the participants expressed feeling believed, cared about, and supported by the detectives. These victims also predicted that their emotional distress would have been exacerbated if they had experienced secondary victimization by law enforcement. Instead, the participants felt supported by law enforcement, which helped them endure the challenging nature of the CJ process.

Though most victims with prosecuted cases were satisfied with their interactions with the detectives, this was not true for victims raped by intimate partners. These participants reported interactions with detectives that were somewhat different than victims with prosecuted cases who were raped by strangers or acquaintances (see Table 1). That is, participants raped by intimate partners reported their detectives' as less attentive to their well-being yet not engaging in secondary victimization. This raises the question of why

**Table 1.** Comparison of Victim Treatment by Case Outcome and Victim–Offender Relationship

	Intimate partner Offenders	Acquaintance Offenders	Stranger Offenders
Prosecuted cases	Compassionate but more focused on securing a conviction than on the victims' well-being ( <i>n</i> = 4)	Supportive and compassionate ( <i>n</i> = 4)	Supportive and compassionate ( <i>n</i> = 2)
Nonprosecuted cases	Secondary victimization ( <i>n</i> = 4)	Secondary victimization ( <i>n</i> = 4)	Supportive and compassionate initially but becomes colder as the case becomes less viable ( <i>n</i> = 2)

the detectives were less attentive to victims of intimate partner rape whose cases were prosecuted. These participants believed that the detectives were so strongly focused on *nailing* the offender that they neglected the victims' well-being. The popularity of mandatory arrest policies have placed more pressure on law enforcement to arrest and obtain convictions on domestic violence cases (Mignon & Holmes, 1995). Thus, it is possible that the detectives felt pressure to obtain convictions, which may have led to focusing all of their attention on building the case and overlooking the victims' well-being. This pressure may have been especially present in the prosecuted cases because the participants were still in relationships with the offenders when they were raped, whereas most of the participants in the nonprosecuted cases were not. Thus, the detectives may have believed that these women were more at risk.

Though victims with prosecuted cases primarily described compassionate treatment by their detectives, victims whose cases were dropped had qualitatively different experiences. Research suggests that victims who are not viewed as credible are more likely to have their cases dropped (Martin, 2005). In the current study, victims with nonprosecuted cases had many factors that are typically viewed by detectives as lacking credibility and these victims largely reported their detectives engaging in secondary victimization (e.g., victim blaming). Consequentially, these victims felt disbelieved, dehumanized, unimportant, and more emotionally distressed, as found in prior research (Campbell et al., 2001). In addition, many victims became so disillusioned with the CJS that they predicted never seeking help if a future victimization were to occur.

Though most women with nonprosecuted cases reported their detectives engaging in secondary victimization, two women raped by strangers, who were never apprehended, did not. Prior studies have shown that victims who are raped by strangers are viewed as credible. Therefore, it is possible that the detectives treated these victims with compassion because they were viewed as credible. It is interesting that the detectives became less supportive after a span of time passed and the chances of apprehending the offender decreased. Yet the detectives never engaged in secondary victimization. However, these conclusions are tentative given the small sample used in this study. Further research is needed to understand whether the support provided by detectives diminishes as the likelihood of prosecution decreases.

The findings suggest a linkage between secondary victimization and the ultimate legal outcome of a case. Victims whose cases had many factors of credibility and were ultimately prosecuted described their detectives as compassionate. On the other hand, victims whose cases had many factors typically viewed as lacking credibility indicated their detectives as engaging in secondary victimization. Though the findings of this study cannot explain why this linkage occurred, the literature may provide some insight. Detectives' primary role is to build a strong case by obtaining accurate accounts of a rape (Martin, 2005). As such the detectives' strategy to obtain the truth may take the form of secondary victimization. In the current study, victims with cases that were ultimately dropped reported experiencing secondary victimization by their detectives from the onset of the investigational interviews. It may be possible that the detectives did not believe the victims and thus treated victims in a hurtful manner as a strategy to elicit the truth. However, victims noted that experiencing secondary victimization prevented them from giving a complete statement out of fear of being blamed further (see Patterson et al., 2009).

It may also be possible that the detectives engaged in secondary victimization as a strategy to influence victims to drop their case (Frohmann, 1998; Konradi, 2007). To illustrate, Frohmann found that prosecutors would approach victims differently, depending on their decision to prosecute or drop the case. Instead of engaging in secondary victimization, the prosecutors warned the victims that a trial could be potentially humiliating. The prosecutors' goal of expressing these concerns was to convince the victims to withdraw their participation, which would prevent the prosecutors from having to tell the victims about their decisions to drop the cases.

On the other hand, the victim's cooperation is critical to successful prosecution, and prior research has shown that victims' commitment to prosecution is strengthened when CJ personnel exhibit compassion toward them



(Kerstetter, 1990; Konradi, 2007). In the current study, many participants with prosecuted cases reported that the support received by their detectives helped them endure the CJ process. Thus, detectives may approach victims in a more compassionate manner as a method to increase cooperation when they view the case as credible enough for successful prosecution. Similarly, Frohmann (1998) found that prosecutors would treat victims with compassion when they viewed them as credible and wanted their cooperation with prosecuting the case.

### *Implications*

Prior research has shown that victims who receive negative reactions from CJ personnel are reluctant to seek further help for medical and mental health services, which could have long-term negative health consequences (Campbell, 2005). Thus, preventing secondary victimization from occurring is important for rape victims' well-being. Research has shown that advocacy is promising in preventing secondary victimization (Campbell, 2006). Furthermore, the advocate informants noted that their clientele were treated better when the advocates were present during the investigational interviews. Even when the cases were not prosecuted, the detectives did not engage in secondary victimization but instead appeared less engaged in the interview, which may ultimately be less hurtful for victims.

The current study shows that advocacy may be particularly important for victims of intimate partner rape, as none of these victims had a completely positive experience with detectives. This is particularly disconcerting because offenders of intimate partner violence are likely to revictimize their partners, but these victims are less likely to seek help if they have had a negative experience with law enforcement (Kingsnorth, 2006). Given the pressure that law enforcement may experience as a result of state policies, such as mandatory arrest policies, it may be helpful for the victim to have an advocate to ensure a compassionate response.

In addition, the amount and quality of training for detectives varies across communities, and thus some detectives may receive minimal training on how to respond to rape victims (Lonsway, Welch, & Fitzgerald, 2001). Providing training for law enforcement on this topic is important, given the psychological consequences of secondary victimization. Prior research has shown that law enforcement agents are more likely to provide empathy and address victim needs if taught how to respond sensitively to victims. Building on this research, the current findings suggest that training should increase law enforcement's awareness of the association between case credibility and secondary victimization.

This study also can serve as a catalyst for future research. The current study shows a linkage between secondary victimization and case outcomes. A larger quantitative observational study is needed to examine when detectives form their beliefs about cases and if, and how, those perceptions affect their engagement in secondary victimization. Observational research would be beneficial to answer these questions because it measures behavior without relying on participants' memory or awareness of behavior.

This study also has an implication for future research examining victims' experiences with law enforcement. Many prior studies have examined rape victims' experiences with the CJS by comparing those raped by strangers to those raped by nonstrangers, which combined the experiences of victims raped by intimate partners with those raped by acquaintances. However, this study found that women who are raped by their intimate partners have primarily negative experiences with law enforcement regardless of whether their cases are prosecuted. Therefore, it is important that future research compares the experiences of women who are raped by their intimate partners to women raped by acquaintances or strangers, to further understand the unique experiences of victims of intimate partner rape.

### *Limitations of this Study*

A few methodological limitations of this study may mitigate the strength of the conclusions that can be drawn from this work. The findings of this study were from the victims' perspective and may not provide a complete picture of what happened during the interactions with the detectives. It is possible that detectives would have a different description of the interview. However, Campbell (2005) found high interrater reliability between the accounts of victims and law enforcement agents regarding how victims were treated. Nonetheless, without both perspectives, the exact nature of the interaction cannot be determined.

In addition, the rape survivors who are willing to participate in research may not be a representative sample of all victims who report to the CJS. It may be possible that victims who self-selected into this study were extremely satisfied or dissatisfied with their experiences. However, the advocate informants relayed that detectives often treat victims in extremes. In addition, the current study had a small number of participants, which is appropriate given the exploratory nature of the study. Still, it is likely that the study did not capture all types of victims' experiences with detectives (e.g., cases in which detectives treat victims well but prosecutors do not charge the case). However, participant recruitment continued until saturation of the key themes and experiences was reached and no new themes or experiences emerged.

Finally, this study did not follow a particular set of detectives to determine whether they approach all victims consistently (e.g., a detective always treating victims compassionately) or whether the treatment of victims was always influenced by the victims' credibility. However, Frohmann (1998) followed a set of prosecutors to examine their interactions with victims and found that prosecutors did not treat victims consistently but instead approached victims according to their decisions of whether to prosecute the cases.

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### Note

1. Throughout this article, the term *victim* will be used to reflect the violent nature of this crime and the language used by criminal justice system personnel.

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## Bio

**Debra Patterson**, PhD, is an assistant professor in the School of Social Work at Wayne State University. Her research examines the social, medical, and legal systems' response to sexual assault victims/survivors, as well as the impact of sexual assault nurse examiner (SANE) programs on legal outcomes and patients' emotional well-being. In addition, she conducts program evaluations for SANE and sexual assault programs. She has been working in the violence against women field for 13 years and is the former director of a rape-crisis center in Southeast Michigan.